CHAPTER 116

SCHOOL TRANSPORTATION

S. F. 417

AN ACT to amend chapters two hundred eighty-five (285), two hundred seventy-six (276), two hundred seventy-nine (279), and two hundred eighty-two (282), Code 1946, relating to schools and transportation of pupils who attend public schools and the funds provided therefor.

Be It Enacted by the General Assembly of the State of Iowa:

- SECTION 1. Section two hundred eighty-five point one (285.1), Code 1946, is hereby repealed and the following enacted in lieu thereof:
 - "1. The board of directors in every school district shall provide transportation or the costs thereof for all resident pupils attending public school, kindergarten through twelfth grade, who reside more than one (1) mile from the school designated by the board for attendance, except as hereinafter provided:
 - "a. Elementary pupils residing inside the limits of a village, town or city under 20,000 population wherein the designated school is located must live more than two (2) miles from the school designated for attendance to be entitled to transportation.
 - "b. Elementary pupils residing in a district wherein is located a city of 20,000 or more in population must live more than two (2) miles from the public school designated for attendance to be entitled to transportation.
 - "c. Elementary pupils residing in a rural independent district, a rural township district, or a consolidated district not operating a central school, when the school in the district or subdistrict is in operation, must live more than two (2) miles from the school in their own district or subdistrict to be entitled to transportation.
 - "(1) Boards at their discretion may provide transportation for resident elementary children attending public school who live less than the distance at which transportation is required.
 - "d. High school pupils residing in a district containing a village, town, or city under 20,000 population wherein a high school is located and outside the limits of the village, town, or city shall be entitled to transportation as provided in this section.
 - "e. High school pupils residing in a district containing a city of 20,000 population or over must live more than three (3) miles from high school designated for attendance to be entitled to transportation thereto.
 - "(1) Boards at their discretion may provide transportation for all high school pupils residing inside the corporate limits of any town, village, or city, and more than two (2) miles from designated high school.
 - "2. Any pupil may be required to meet a school bus on the approved route a distance of not to exceed three-fourths of a mile without reimbursement.
- 40 "3. In any district where transportation by school bus is imprac-41 ticable or where school bus service is not available, the board may

require the parents or guardian to transport their children to the school designated for attendance. The parent or guardian shall be reimbursed for such transportation service for elementary pupils by the board of resident district for the distance one way from the pupil's residence to the school designated for attendance at the rate of twenty-eight cents per mile per day irrespective of number of children transported. For high school pupils, the parent or guardian shall be reimbursed forty dollars per pupil per year for such service, provided however no family shall receive more than eighty dollars per year for transporting the members of the family who attend high school.

- "4. In all districts where unsatisfactory roads or other conditions make it advisable, the board at its discretion may require the parent or guardian to transport their children up to two (2) miles to connect with a vehicle of transportation. The parent or guardian shall be reimbursed for such transportation by the board of resident district at the rate of twenty-eight cents per mile per day, one way, per family for the distance from pupil's residence to the bus route.
- "5. Where transportation by school bus is impracticable or not available or other existing conditions warrant it, arrangements may be made for use of common carriers according to uniform standards established by the state superintendent of public instruction. The cost shall be the actual cost of service not to exceed forty dollars per pupil per year.
- "6. When the school designated for attendance of pupils is engaged in the transportation of pupils, the sending or designating school shall use these facilities and pay the pro rata cost of transportation except that a district sending pupils to another school may make other arrangements when it can be shown that such arrangements will be more efficient and economical than to use facilities of the receiving school, providing such arrangements are approved by the county board of education.
- "7. If a board closes either elementary or high school facilities and is approved by the county board of education to operate its own transportation equipment, the full cost of transportation shall be paid by the board for all pupils living beyond the statutory walking distance from the school designated for attendance.
- "8. Transportation service may be suspended upon any day or days, due to inclemency of the weather, conditions of roads, or the existence of other conditions, by the board of the school district operating the buses, when in their judgment it is deemed advisable.
- "9. Distance to school or to a bus route shall in all cases be measured on the public highway only and over the most passable and safest route as determined by the county board of education, starting in the roadway opposite the private entrance to the residence of the pupil and ending in the roadway opposite the entrance to the school grounds or designated point on bus route.
- "10. The board in any district providing transportation for nonresident pupils shall collect the pro rata cost of transportation from the district of pupil's residence for all properly designated pupils so transported.

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- "11. Boards in districts operating buses may transport nonresident pupils who attend public school, kindergarten through junior college, who are not entitled to free transportation provided they collect the pro rata cost of transportation from the parents.
- "12. The pro rata cost of transportation shall be based upon the actual cost for all the children transported in all school buses. It shall include one-seventh (1/7) of the original net cost of the bus and such other items as shall be determined and approved by the superintendent of public instruction but no part of the capital outlay cost for school buses and transportation equipment for which the school district is reimbursed from state funds or that portion of the cost of the operation of any school bus used in transporting pupils to and from extra curricular activities shall be included in determining said pro rata cost. In any district where because of unusual conditions, the cost of transportation is in excess of the actual operating cost of the bus route used to furnish transportation to non-resident pupils, the board of the local district may charge a cost equal to the cost of other schools supplying such service to that area, upon receiving approval of the state director of school transportation. Capital outlay for school buses and transportation equipment shall be excluded from the capital outlay in determining tuition costs as provided in section two hundred seventy-nine point eighteen (279.18), and section two hundred eighty-two point twenty (282.20), Code 1946.
- "13. When a local board fails to pay transportation costs due to another school for transportation service rendered, the board of the creditor corporation shall file a sworn statement with the county board of education specifying the amount due. The county board of education shall check such claim and if the claim is valid shall certify to the county auditor. The auditor shall transmit to the county treasurer an order directing him to transfer the amount of such claim from the funds of the debtor corporation to the creditor corporation and the treasurer shall pay the same accordingly.
- "14. The state superintendent of public instruction may review all transportation arrangements to see that they meet all legal and established uniform standard requirements.
- "15. Every school district required by law to provide transportation shall be reimbursed by the state for transportation costs incurred in amount and manner as provided in this chapter. However, no state reimbursement shall be made to school districts to cover costs incurred in transporting pupils from home to a bus route, or any others not entitled to free transportation, but who are transported at the expense of the home district or the parents."
- 1 SEC. 2. Section two hundred eighty-five point two (285.2), Code 2 1946, is hereby amended as follows:
 - 1. Strike from lines three (3) and four (4) the word "eighteen" and insert the word "thirty".
 - 2. Strike from line four (4) subsection one a (1 a) the word "eighteen" and insert the word "thirty".

- 7 3. Strike from line four (4) subsection one b (1 b) the word 8 "eighteen" and insert the word "thirty".
 - 4. Strike from line five (5) subsection one b (1 b) the word "nineteen" and insert the word "thirty-one".
 - 5. Strike from line three (3) subsection one c (1 c) the word "nineteen" and insert the word "thirty-one".
 - 6. Strike from lines four (4) and five (5) subsection one c (1 c) the word "twenty-one" and insert the word "thirty-three".
 - 7. Strike from line four (4) subsection one d (1 d) the word "seventeen" and insert the word "thirty".
 - 8. Strike from line four (4) subsection one e (1 e) the word "sixteen" and insert the word "twenty-nine".
 - 9. Strike from line one (1) subsection two b (2 b) the word "eighteen" and insert the word "thirty".
 - 10. Strike from line three (3) subsection three (3) the word "eighteen" and insert the word "thirty".
 - 11. Strike from line six (6) of the last paragraph the "semicolon (;)" and all that follows and substituting in lieu thereof a "period (.)" together with the following: "In school districts where transportation by school bus is not practicable or available, and approved special transportation arrangements are made, the distribution formula shall be waived and the reimbursement from the state for such costs shall be twenty-three dollars (\$23.00) per pupil per school year, except that in no event shall any district be reimbursed in any amount in excess of the actual cost per pupil per year.

"Reimbursement from the state for transportation costs incurred shall be paid to:

- "1. Districts for transportation provided to its own school for all pupils entitled to free transportation.
- "2. Districts for transportation provided to another school for all pupils entitled to free transportation.
- "3. Districts for transportation provided to pupils residing in one district and who are entitled to transportation but are transported to a school other than to the school which is operating the transportation equipment.

"When the pupils from the sending district are transported by the receiving district the reimbursement will be made to the receiving district and shall constitute a credit to the sending district on the cost of transportation. The receiving district in billing the sending district shall bill only for the difference between the state reimbursement and the actual approved cost of transportation.

"The appropriation for transportation shall be used to reimburse school districts for cost incurred in the amount and manner as are provided in this chapter. In the event the balance is insufficient to reimburse the district in full for the approved claims, the amount available shall be pro-rated to the several districts in ratio to amount earned."

1 SEC. 3. Section two hundred eighty-five point four (285.4), Code 2 1946, is hereby repealed and the following enacted in lieu thereof:

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"On or before July 8, 1949, the board in districts not maintaining high school facilities shall by record action designate the school or schools for attendance of all high school pupils from their respective districts. In making designations, the local board shall give consideration to the wishes of the majority of the patrons, the adequacy of the facilities and curricular offerings and available bus service to avoid duplication of transportation facilities to different receiving schools.

"When a board closes its elementary school facilities for lack of pupils or by action of the board, it shall, if there is a school bus service available in the area, designate for attendance the school operating the buses, provided the board of such school is willing to receive them and the facilities and curricular offerings are adequate. The board of the district where the pupils reside may with the approval of the county board of education, subject to legal limitations and established uniform standards, designate another rural school and provide their own transportation if the transportation costs will be less than to use the established bus service.

"All designations must be submitted to the county board of education on or before July 15, for review and approval. The county board of education shall after due investigation alter or change designations to make them conform to legal requirements and established uniform standards for making designations and for locating and establishing bus routes. After designations are made, they will remain the same from year to year except that on or before July 15, of each year, the rural board or parents may petition the county board for a change of designation to another school. Appeals from the decision of the county board on designations may be made by either the parents or board to the state superintendent of public instruction as provided in section two hundred eighty-five point twelve (285.12) and section two hundred eighty-five point thirteen (285.13), Code 1946."

SEC. 4. Section two hundred eighty-five point five (285.5), Code 1946, is hereby amended by striking the entire section and substituting in lieu thereof the following:

"1. Contracts for school bus service with private parties shall be in writing and be for the transportation of children who attend public school. Such contracts shall define the route, the length of time, service contracted for, the compensation, the vehicle to be used. The contract shall prescribe the duties of the contractor and driver of the vehicles and shall provide that every person in charge of a vehicle conveying children to and from school shall be at all times subject to any rules said board shall adopt for the protection of the children, or to govern the conduct of the persons in charge of said conveyance. Contracts may be made for a period not to exceed three years.

"The contract shall provide that the contractor will sell the equipment to the board should he desire to terminate the contract, provided the board should desire to purchase said equipment, the price of the equipment to be determined by an appraisal board composed 19 of one person appointed by the school board, one appointed by the 20 owner of the equipment, and a third selected by these two.

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- "2. The contractor shall operate the vehicle himself or provide a driver who must be approved by the board. The contractor and driver shall be subject to all laws and prescribed standards for school bus drivers. Failure to comply shall constitute grounds for dismissal of the driver or cancellation of the contract if the board so desires.
- "3. All vehicles of transportation provided by contractor shall be inspected, approved and certified before being put into operation.
- "4. All contracts may be terminated by either party on a ninety-day notice.
- "5. The state superintendent of public instruction shall prepare a uniform contract containing provisions not in conflict with this act which shall be used by all schools in contracting for transportation service.
- "6. All contractors shall carry liability insurance in amounts and kind as provided in the official contract.
- "7. All contracts for transportation service and for drivers of school-owned and operated buses shall be made with someone outside the board except where no other transportation service is available, a board member may transport own children.
- "8. Private buses other than common carriers not used exclusively in transportation of pupils while under contract to a school district shall meet all requirements for school owned buses, as to construction and operation.
- "9. All bus drivers for school owned equipment shall be under contract with the board. The superintendent of public instruction shall prepare a uniform contract containing provision not in conflict with this act which shall be used by all school boards in contracting with drivers of school owned vehicles."
- SEC. 5. Section two hundred eighty-five point eight (285.8), Code 1946, is hereby amended by repealing subsection four (4) and enacting the following in lieu thereof:
- "4. Inspect or cause to be inspected all vehicles used as school buses to transport school children to determine if such vehicles meet all legal and established standards of construction and can be operated with safety, comfort, and economy. When it is determined that further use of such vehicles is dangerous to the pupils transported and to the safety and welfare of the traveling public, the department of public instruction shall order such vehicle to be withdrawn from further use on a specified date. School buses which do not conform to the requirements of the department of public instruction may be issued a temporary certificate of operation provided that such school buses can be operated with safety, and provided further that no such certificate shall be issued for a period in excess of one year. All equipment can be required to be altered, or safety equipment added in order to make vehicles reasonably safe for operation. New buses after initial inspection and approval shall be issued a seal of inspection. After each annual inspection a seal of

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- inspection and approval shall be issued. Said seals shall be mounted 20 21 on the lower right hand corner of the windshield."
 - SEC. 6. Section two hundred eighty-five point eight (285.8), Code 1946, is hereby further amended with additional new subsections as 3 follows:
 - "6. Prescribe uniform standards and regulations:
 - 5 "a. for the efficient operation and maintenance of school transportation equipment and for the protection of the health and safety 6 7 of children transported.
 - 8 "b. for locating and establishing bus routes.
 - 9 "c. for procedures and requirements in making designations.
- 10 "d. for standard of safety in construction of school transportation equipment. 11
 - "e. for procedures for purchase of buses.
- 13 "f. for qualification of school bus drivers.
- "g. as deemed necessary for the efficient administration of this 14 15
- 16 "7. Review all transportation arrangements when deemed necessary and shall disapprove any arrangements that are not in conformity with the law and established standards and require the 17 18 same to be altered or changed so that they do conform. 19
- "8. Conduct schools of instruction for transportation personnel 20 as needed or requested." 21
 - SEC. 7. Section two hundred eighty-five point nine (285.9), Code 1946, is hereby amended by repealing subsection two (2) and en-2 3 acting the following new sections in lieu thereof:
 - "2. Review and approve all transportation arrangements between districts in the county and in all districts in the county not operating high schools. If such transportation arrangements, designations, and contracts are not in conformity to law or established uniform standards for the locating and operating of bus routes, the county board shall, after receiving all facts, make such alterations or changes as necessary to make the arrangements, designations, and contracts conform to the legal and established requirements and shall notify local board of such action.
 - "3. Approve all bus routes outside the boundary of the district of the school operating buses.
 - "4. When a local board fails to make designations and other necessary arrangements for transportation as required by law, the county board shall, after due notice to the local board, make necessary arrangements in conformity with law and established requirements. Notice shall be given to the local board of the arrangements as made. The arrangements shall be binding on the local board which shall pay the costs for service as arranged."
 - SEC. 8. Section two hundred eighty-five point ten (285.10), Code 1946, is hereby amended by enacting the following new subsections:
 - 3 "6. May purchase liability insurance or such other coverage as deemed necessary to protect the driver or any authorized employee

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from liability incurred by said driver or employee as a result of operating the bus and for damages or accident resulting in injury or death to the pupils or employees being legally transported.
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- "7. When a school qualifies to purchase buses, they may be purchased as follows:
 - "a. from such funds as may be available in the general fund.
- "b. may purchase buses and enter into contract to pay for such buses over a five year period as follows: one-fourth of the cost when bus is delivered and the balance in equal annual installments, plus simple interest due. The interest rate shall be the lowest rate available and shall not exceed four per cent (4%) simple interest. The bus shall serve as security for balance due.
 - "Bus bodies and chassis shall be purchased on separate contracts.
 - "8. A board shall be eligible to purchase buses as follows:
- "a. Boards in consolidated and independent districts, who have sufficient resident pupils they are required to transport to warrant the purchase of transportation equipment, may purchase buses needed to provide such transportation.
- "b. Board in rural township districts desiring to close schools and transport children to schools outside district may apply to the county board of education for approval of bus routes and for approval to purchase bus. If approved, they may purchase the buses needed to provide transportation. Once approved, to purchase buses, the board may purchase replacements without approval of the county board. Additional equipment must be approved by County Board of Education.
- "c. Boards in independent and consolidated districts who propose to establish transportation service for nonresident pupils must obtain approval from the county board of education for establishing of bus routes and for the purchasing of additional buses to provide service as approved. Such approval shall be granted only when such schools have sufficient pupils to transport to guarantee near capacity utilization of the buses. Replacement of equipment to operate on approved routes may be purchased without county board approval."
- SEC. 9. Section two hundred eighty-five point eleven (285.11), Code 1946, is hereby amended by adding the following new subsections:
- "6. The boards shall take advantage of all tax exemptions on fuel, equipment, and of such other economies as are available.
- "7. The use of school buses shall be restricted to transporting pupils to and from school and to and from extra curricular activities sponsored by the school when such extra curricular activity is under the direction of a qualified member of the faculty and a part of the regular school program. School employees of districts operating buses may be transported to and from school and approved activities which they are required to attend as a result of their responsibilities.
- "8. No bus shall leave the public highway to receive or discharge pupils.

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- 15 "9. Bus routes shall be established only to give service to properly 16 designated pupils.
- "10. Bus drivers for school buses must present a certificate of physical fitness each year before being permitted to operate any 18 19 vehicles transporting children to and from school.
 - "11. Bus driver must hold a regular or special chauffeur's license and in addition, a special school bus driver permit issued by the department of public instruction."
 - SEC. 10. Section two hundred eighty-five point twelve (285.12), Code 1946, is hereby repealed and the following is enacted in lieu thereof:

"In the event of a disagreement between a school patron and the board of the school district, the patron if dissatisfied with the decision of the district board, may appeal the same to the county board of education, notifying the secretary of the district in writing within ten days of the decision of the board and by filing an affidavit of appeal with the county board of education within the ten day period. The affidavit of appeal shall include the reasons for the appeal and points at issue. The secretary of the local board on receiving notice of appeal shall certify all papers to the county board of education which shall hear same within ten days of the receipt of the papers and decide same within three days of the conclusion of the hearing and shall immediately notify all parties of decision. Either party may appeal the decision of the county board to the state superintendent of public instruction by notifying the opposite party and the county superintendent of schools in writing within five days after receipt of notice of decision of the county board of education and shall file with the state superintendent of public instruction an affidavit of appeal, reasons for appeal, facts involved in disagreement. The county superintendent of schools shall, within ten days of said notice, file with the state superintendent of public instruction all records and papers pertaining to the case, including action of the county board of education. The state superintendent of public instruction shall hear the appeal within fifteen days of the filing of the records in his office, notifying all parties and the county superintendent of schools of the time of hearing. The state superintendent of public instruction shall forthwith decide the same, and his decision shall be final. The state superintendent shall notify all parties of his decision and return all papers with a copy of the decision to the county superintendent of schools."

SEC. 11. Section two hundred eighty-five point fifteen (285.15), Code 1946, is hereby amended by striking the period (.) in line 1 2 twelve (12) and adding the following: "and the rights to collect 3 transportation costs from school or parents while operating in such 4 illegal manner. Any superintendent, board, or board member who 5 knowingly operates or permits to be operated any school bus transporting public school pupils in violation of any school transportation law shall be deemed guilty of a misdemeanor.'

 SEC. 12. Section two hundred seventy-nine point sixteen (279.16), Code 1946, is hereby repealed and the following enacted in lieu thereof:

"If a school is closed for lack of pupils, the board of directors of such school corporation shall designate an approved public school or schools for attendance and shall see that necessary arrangements are made with the designated school or schools for school facilities and transportation. The resident district shall be responsible for the tuition and for transportation as required by law for all pupils attending the designated school. Immediately, on the closing of the school, the secretary of the board of education shall notify the parents of the school designated for attendance. Designations shall be made as provided in chapter two hundred eighty-five (285)."

SEC. 13. Section two hundred eighty-two point seven (282.7), Code 1946, is hereby repealed and the following enacted in lieu thereof:

"The board of directors in any school district may by record action discontinue any or all of its school facilities. When such action has been taken, the board shall designate an appropriate approved public school or schools for attendance. Tuition shall be paid by the resident district as required in section two hundred seventy-nine point eighteen (279.18) and section two hundred eighty-two point twenty (282.20), Code 1946, for all pupils attending designated school, except that high school pupils may attend school of choice and be entitled to tuition, but must attend school designated for attendance to qualify for transportation. Designations shall be made as provided in chapter two hundred eighty-five (285)."

SEC. 14. Section two hundred eighty-two point eight (282.8), Code 1946, is hereby repealed and the following enacted in lieu thereof:

"The board of directors of school districts located near the state boundaries may designate a school or schools of equivalent standing across the state line for attendance of both elementary and high school pupils when the public school in the adjoining state is nearer than any appropriate public school in Iowa, as provided in section two hundred eighty-two point seventeen (282.17), Code 1946. Arrangements shall be subject to reciprocal agreements made between the state superintendent of public instruction of the respective states subject to statutory limitations as to tuition and transportation. A person attending school in another state shall continue to be treated as a pupil of the district of his residence in the apportionment of the current school fund and the payment of state aid."

SEC. 15. Section two hundred eighty-two point eighteen (282.18), Code 1946, is hereby amended by adding in line seven (7) after the word "tuition" the words "and transportation when required by law."

1 SEC. 16. Section two hundred eighty-two point twenty-two 2 (282.22), Code 1946, is hereby amended by striking all the sections

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3 beginning with line ten (10) and enacting the following in lieu 4 thereof:

5 "In such case the cost of the tuition and transportation, when required by law, shall be paid by the treasurer of the state as pro-6 7 vided in section two hundred eighty-two point thirty-three (282.33), 8 Code 1946."

1 SEC. 17. Section two hundred eighty-two point twenty-three (282.23), Code 1946, is hereby amended by adding in line fifteen (15) after the word "tuition" the words "and transportation when 2 3 4 required."

SEC. 18. The following sections are hereby repealed: two hundred seventy-six point twenty-six (276.26), two hundred seventy-six point twenty-seven (276.27), two hundred seventy-six point 2 twenty-eight (276.28), two hundred seventy-six point twenty-nine (276.29), two hundred seventy-six point thirty (276.30), two hundred seventy-six point thirty-one (276.31), two hundred seventynine point nineteen (279.19), two hundred seventy-nine point twenty (279.20), two hundred eighty-two point nine (282.9), two hundred eighty-two point ten (282.10), two hundred eighty-two point eleven (282.11), two hundred eighty-two point twelve (282.12), two hundred eighty-two point thirteen (282.13), two hundred eighty-two point fourteen (282.14), two hundred eighty-two point fifteen 10 12 13 (282.15), two hundred eighty-two point sixteen (282.16), Code 1946.

Approved April 20, 1949.

CHAPTER 117

STATE AID FOR SCHOOLS H. F. 224

AN ACT to amend chapter one hundred fifty-two (152), Acts of the 52nd General Assembly, providing for the use of state funds to supplement funds of school districts and for the assistance of public school districts of the state in financing their activities under the title of general school aid and to make an appropriation for state aid provided for in this act.

Be It Enacted by the General Assembly of the State of Iowa:

- SECTION 1. Section three (3) of chapter one hundred fifty-two (152), Acts of the Fifty-second General Assembly, is hereby amended by striking the word and figure "eleven (11)" in line two (2), and substituting in lieu thereof the word and figure "seventeen (17)"; by striking the word and figure "fourteen (14)" in line three (3) and substituting the word and figure "twenty (20)"; and by striking 6 the period in line four (4) and substituting a comma and adding the 7 "twenty-five (25) cents per day for each junior college 8 following: 9 student carrying twelve (12) or more semester hours of college work."
- 1 SEC. 2. Section four (4) of chapter one hundred fifty-two (152), Acts of the Fifty-second General Assembly, is hereby amended by 2 striking the word and figure "eleven (11)" in line one (1) of para-3 graph one (1) and substituting in lieu thereof the word and figure